



DEVELOPMENT SERVICES

CITY OF FRISCO

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TO: Honorable Mayor, City Council, Planning & Zoning Commission, and the Zoning Advisory Committee

FROM: Jeff Witt, Comprehensive and Environmental Administrator

SUBJECT: Summary of Major Changes between the Draft Zoning Ordinance and Current Zoning Ordinance

DATE: Friday, October 08, 2010

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#	Section	Summary of Change
Section 1. General Provisions		
1	Subsection 1.01. Enacting Clause	<ul style="list-style-type: none">• <u>Originally:</u> Section 1-1• Replaced the term Comprehensive Zoning Ordinance (CZO) with Zoning Ordinance (ZO) to avoid confusion with the Comprehensive Plan.• Updates will be made for the ordinance number and adopted date.
2	Subsection 1.02. Purpose	<ul style="list-style-type: none">• <u>Originally:</u> Section 1-2• No major changes.
3	Subsection 1.03. Zoning District Map	<ul style="list-style-type: none">• <u>Originally:</u> Section 1-3• Added that the City shall maintain electronic mapping files of the Zoning Map.
4	Subsection 1.04. Zoning District Boundaries	<ul style="list-style-type: none">• <u>Originally:</u> Section 1-4• Amended text related to automatically extending zoning on abandoned rights-of-way and replaced with standard zoning procedure.
5	Subsection 1.05. Compliance Required / Interpretation / Rules of Construction	<ul style="list-style-type: none">• <u>Originally:</u> Section 1-5• Changed authority to interpret the Zoning Ordinance from Building Official to Director.

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6	Subsection 1.06. Nonconforming Uses and Structures	<ul style="list-style-type: none"> • <u>Originally:</u> Section 1-10 • Entire section has been rewritten. • Deleted requirement for the registration of nonconforming uses • Included abandonment intent language. • Added a 10% expansion of nonconforming structures with conforming uses is allowed. • Added a nonconforming use may expand within an existing building providing the building is not expanded. • Amended partial destruction threshold from 60% to 51%.
	Section 2. Zoning Districts	
7	Subsection 2.01. Zoning Districts Established	<ul style="list-style-type: none"> • <u>Originally:</u> Section 2-1 • Divided zoning districts into three sections: residential, nonresidential, and special districts. • Deleted the zoning districts Neighborhood Service (NS) and Corporate Office (CO) due to non-use of the districts and the ability of other districts to accommodate the permitted uses. • The NS-zoned properties will be rezoned to Retail
8	Subsection 2.02. Equivalency Table	<ul style="list-style-type: none"> • <u>Originally:</u> Section 2-2 • Minor editing and formatting.
9	Subsection 2.03. Residential Zoning Districts	<ul style="list-style-type: none"> • <u>Originally:</u> Section 3-1 • Renamed single family districts to correlate with minimum lot size (i.e. SF-5 becomes SF-7 for 7,000 sq ft) • Renamed multifamily districts to correlate with maximum density (i.e. MF-1 becomes MF-15 for 15 units/acre) • Updated purpose statements, including a maximum dwelling unit per acre for an alternative to the minimum lot size requirement. • Simplified the organization of each district by providing standards in one chart for ease of use. • Consolidated all the open space requirements to one section. • Moved all MF requirements to MF Development Standards Section.
10	Subsection 2.04. Nonresidential Zoning Districts	<ul style="list-style-type: none"> • <u>Originally:</u> Section 3-2 • Updated purpose statements. • Moved OTC façade plan review requirement to the Façade Plan Review Section. • Simplified the organization of each district.

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11	Subsection 2.05. Special Zoning Districts	<ul style="list-style-type: none"> • <u>Originally:</u> Section 3-3 • Updated purpose statements and illustrations. • Simplified the organization of each district. • Updated and added selected illustrations. • Amended the format of the Preston Road and Tollway Overlays to match the other zoning district formats. • Moved the Tollway Overlay District's conditional uses to the overall use chart. • Private clubs regulations have been updated and moved to the use chart and conditional use regulations section for ease of use. • Replaced façade standards within the PRO and TO with new Retail Standards in Section 4.9.
12	Subsection 2.06. Development Standards Tables	<ul style="list-style-type: none"> • <u>New Section</u> • Modified minimum dwelling area size for single-family districts to 800 square feet. • Increased minimum lot width for non-residential districts to reflect existing development patterns.
	Section 3. Land Uses	
13	Subsection 3.01. Use of Land and Buildings	<ul style="list-style-type: none"> • <u>Originally:</u> Section 2-3 • Updated classification of new and unlisted uses. • Added the use of color for the Use Chart.
14	Subsection 3.02. Use Chart	<ul style="list-style-type: none"> • <u>Originally:</u> Section 2-3 • Added state uses/definitions for child-care centers. • Evaluated all SUPs / changed on an as-needed basis. • Added the Tollway Overlay District to the use chart. • Alphabetized the use chart by residential and nonresidential uses. • Updated use chart, permitted uses, SUPs, etc. (see attachment). • Updated the conditional use section with updated standards. • Deleted and combined standards on an as-needed basis, such as oil and gas wells use was combined with the mineral extraction use. • Deleted the standard limiting gas stations to a maximum of two per intersection. • Alphabetized the conditional use section for ease of use. • All alcohol regulations now contained in conditional use section.

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	Section 4. Site Development Requirements	
15	Subsection 4.01. Tree Preservation Requirements	<ul style="list-style-type: none"> • <u>Originally</u>: Section 4-3 • Changed protected tree criteria: <ul style="list-style-type: none"> ○ Reduced caliper inch from 8" to 6"; ○ Expanded the protected area requirement and definition from the floodplain +300' area to the entire city-wide area for specified tree types. ○ Trees within the Riparian Buffer, regardless of species, are protected trees. • Combined all the tree replacement tables into one table. • Clarified when tree surveys and tree preservation plans are required.
16	Subsection 4.02. Landscape Requirements	<ul style="list-style-type: none"> • <u>Originally</u>: Section 4-2 • Section reformatted to include graphic tables that illustrate the landscape requirements. • Rainwater Harvest Zone has been renamed Water Resource Zone. • The approved plant list is removed from the zoning ordinance and will be established and maintained by the Director for flexibility. • Established a minimum tree coverage requirement. • Added update illustrations • Added requirement for a ceremonial drive • All case specific landscaping requirements have been relocated to this section.
17	Subsection 4.03. Screening Standards	<ul style="list-style-type: none"> • <u>Originally</u>: Section 4-5 • Consolidated all screening standards within this section. • Added illustrations to depict basic screening types. • Added a graphic table to define screening requirements and options. • Added requirement for entryway wall standards for subdivisions.
18	Subsection 4.04. Off-Street Parking and Loading Requirements	<ul style="list-style-type: none"> • <u>Originally</u>: Section 4-4 • Added graphics to illustrate stacking requirements • Updated OTC on-street parking requirements to match the Downtown Architectural Design Standards. • Established maximum parking requirements for neighborhood centers to reduce over-supply of parking.

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		<ul style="list-style-type: none"> Established standards to require pervious surfaces for excess parking to reduce storm water runoff.
19	Subsection 4.05. Lighting and Glare Standards	<ul style="list-style-type: none"> <u>Originally</u>: Section 4-6 Added illustrations depicting permitted and prohibited lighting types.
20	Subsection 4.06. Accessory Building and Use Regulations	<ul style="list-style-type: none"> <u>Originally</u>: Section 4-7 Reformatting of illustrations and standards for easy reference.
21	Subsection 4.07. Supplementary Regulations	<ul style="list-style-type: none"> <u>Originally</u>: Section 4-9 Developed guidelines for front porches when chosen by builder to be built (front porches are not a requirement) Added regulations per the Texas Occupations Code §1202.253 (SB1326), Modular (Industrialized) homes. Added Single Family Residential Density Bonus for providing a single-loaded street adjacent to a creek for the portion over the minimum 60% required by the Major Creeks Ordinance. Added illustrations to reflect interconnectivity of developments. Added Residential Front Entry Garage Standards.
22	Subsection 4.08. Design & Development Standards for Nonresidential Development	<ul style="list-style-type: none"> <u>Originally</u>: Section 4-11 Added façade design guidelines for nonresidential development Deleted the required architectural elements because Section 4.9 replaces these. Added illustrations to reflect intent of architectural finished buildings and landscaping
23	Subsection 4.09. Retail Design Standards	<ul style="list-style-type: none"> <u>New Section</u> New section designed to contain all retail design standards.
24	Subsection 4.10. Residential Proximity Slope (RPS)	<ul style="list-style-type: none"> <u>New Section</u> New section designed to replace most of the maximum height requirements beyond 200 feet from a residential property. Added illustrations to reflect the Residential Proximity Slope requirement.

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25	Subsection 4.11. Residential Cluster Development Option	<ul style="list-style-type: none"> • <u>New Section</u> • New section created to promote the clustering of housing types with provisions for open space requirements and density bonuses for housing integration.
26	Subsection 4.12. Voluntary Buffer Areas for Creeks and Tributaries	<ul style="list-style-type: none"> • <u>New Section</u> • New section which provides for residential density bonus for providing a wider buffer adjacent to a creek. • The density bonus equals the number of units that could have been built within the buffer area and an additional fifteen (15) percent.
27	Subsection 4.13. Voluntary Workforce Housing Density Bonus	<ul style="list-style-type: none"> • <u>New Section</u> • The voluntary sections allow the developer of a single-family lot subdivision to purchase a density bonus of extra lots, which is in excess of the number of lots allowed per the standard density regulations, for a fee based on a percentage of the value of the bonus lot.
28	Subsection 4.14. Multifamily Development Standards	<ul style="list-style-type: none"> • <u>Originally:</u> Section 3-1 • Consolidated the current multifamily requirements to one section. • Removed list of required amenities.
29	Subsection 4.15. Usable Open Space Requirements for All Districts	<ul style="list-style-type: none"> • <u>Originally:</u> Section 3-1 and 3-2 • Eliminated duplicate standards by combining into this new section. • Allows open space requirement to be distributed through the overall development to create more usable open spaces vs. a parcel-by-parcel requirement. • Detention and retention pond discussion is on-going.
	Section 5. Development Review Bodies	
30	Subsection 5.01. Director of Development Services	<ul style="list-style-type: none"> • <u>New Section</u> • Describes the roles of the Director per current practice.
31	Subsection 5.02. Planning & Zoning Commission	<ul style="list-style-type: none"> • <u>New Section</u> • Describes the roles of the P&Z per current practice.
32	Subsection 5.03. City Council	<ul style="list-style-type: none"> • <u>New Section</u> • Describes the roles of the City Council per current practice
33	Subsection 5.04. Board of Adjustment	<ul style="list-style-type: none"> • <u>Originally:</u> Section 1-11 • Describes the roles of the BOA per current practice.

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		<ul style="list-style-type: none"> All special exceptions references have been removed.
	Section 6. Development Review Procedures	
34	Subsection 6.01. Zoning Upon Annexation	<ul style="list-style-type: none"> <u>Originally</u>: Section 1-6 Revised an application for a Building Permit or Certificate of Occupancy within newly annexed land is approved by P&Z and that this decision may be appealed to City Council. Previously Council would approved with a P&Z recommendation.
35	Subsection 6.02. Platting Property Not Zoned	<ul style="list-style-type: none"> <u>Originally</u>: Section 1-7 Added zoning and annexation request may be simultaneously considered.
36	Subsection 6.03. Creation of Building Site	<ul style="list-style-type: none"> <u>Originally</u>: Section 1-8 Added a plat of record shall be created prior to the issuance of a Building Permit.
37	Subsection 6.04. Certificates of Occupancy and Compliance	<ul style="list-style-type: none"> <u>Originally</u>: Section 1-9 Deleted temporary certificate of occupancy. Deleted requirement for Certificates of Occupancy for nonconforming uses.
38	Subsection 6.05. Site Plan Requirements	<ul style="list-style-type: none"> <u>Originally</u>: Section 4-1 Replaced the list of application requirements with text stating that the Director will establish and maintain application requirements. Modify processes to amend approved site plans.
39	Subsection 6.06. Amendments to the Zoning Ordinance / Districts and Administrative Procedures	<ul style="list-style-type: none"> <u>Originally</u>: Section 1-11 Added illustrations depicting the 200-foot notification requirement and the 20% documented protest requirement. Clarified the ordinance shall become effective from and after its adoption and publication as required by law and the City Charter.
40	Subsection 6.07. Vesting and Complete Application Requirements	<ul style="list-style-type: none"> <u>Originally</u>: Section 1-12 Updated to ensure compliance with State law regarding incomplete applications and vesting.
41	Subsection 6.08. Dormant Development Projects / Expired Projects	<ul style="list-style-type: none"> <u>Originally</u>: Section 1-13 Minor editing and formatting.
42	Subsection 6.09. Variance Procedures	<ul style="list-style-type: none"> <u>New Section</u> New section establishing criteria for granting variances.

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43	Subsection 6.10. Amortization of a Nonconforming Use	<ul style="list-style-type: none"> • <u>New Section</u> • New section in conformance with State law provisions for the termination of nonconforming uses.
44	Subsection 6.11. Landscape Plan Review	<ul style="list-style-type: none"> • <u>New Section</u> • New section to establish landscape plan approval process and review criteria.
45	Subsection 6.12. PD Application and Review	<ul style="list-style-type: none"> • <u>New Section</u> • Consolidated Planned Development submittal requirements.
46	Subsection 6.13. Specific Use Permit (SUP) Application and Review	<ul style="list-style-type: none"> • <u>New Section</u> • Consolidated SUP submittal requirements.
47	Subsection 6.14. Façade Plan Review	<ul style="list-style-type: none"> • <u>New Section</u> • New section to consolidate façade plan approval process and review criteria into one section.
48	Subsection 6.15. Historic Landmark Procedures	<ul style="list-style-type: none"> • <u>Originally:</u> Section 3-3 • Minor editing and formatting.
49	Subsection 6.16. Appeals and the Appeal Process	<ul style="list-style-type: none"> • <u>New Section</u> • New section consolidating appeals process and criteria.
50	Subsection 6.17. Alternative Compliance Standards	<ul style="list-style-type: none"> • <u>New Section</u> • New section to permit the Director to approve pre-determined alternative compliance standards listed throughout the Zoning Ordinance. Appeal provision included where the Planning & Zoning Commission and City Council may consider appeals.
	Section 7. Definitions	
51	Subsection 7.01. Terms and Words Defined	<ul style="list-style-type: none"> • <u>Originally:</u> Section 2-4 • Consolidated and clarified definitions. • Used state definitions for State regulated businesses. • Updated definitions as needed.
	Section 8. Administrative Clauses	
52	Subsection 8.01. Savings / Repealing	<ul style="list-style-type: none"> • <u>Originally:</u> Section 5-1 • Minor editing and formatting.
53	Subsection 8.02. Penalty for Violations	<ul style="list-style-type: none"> • <u>Originally:</u> Section 5-2 • Updated scale for violations.

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54	Subsection 8.03. Severability	<ul style="list-style-type: none"> • <u>Originally</u>: Section 5-3 • Minor editing and formatting.
55	Subsection 8.04. Estoppel / Waiver	<ul style="list-style-type: none"> • <u>Originally</u>: Section 5-4 • Minor editing and formatting.
56	Subsection 8.05. Publication	<ul style="list-style-type: none"> • <u>Originally</u>: Section 5-5 • Minor editing and formatting.
	Section 9. Appendices	
57	Subsection 9.01. Illustrations	<ul style="list-style-type: none"> • <u>Originally</u>: Section 6-1 • New illustrations depicting various development requirements.
58	Subsection 9.02. Planned Developments	<ul style="list-style-type: none"> • <u>Originally</u>: Section 6-2 • PD list removed and instead adopted by reference to a list maintained by the Director.
59	Subsection 9.03. Specific Use Permits	<ul style="list-style-type: none"> • <u>Originally</u>: Section 6-3 • SUP list removed and instead adopted by reference to a list maintained by the Director.
60	Subsection 9.04. Historic Landmark Designations	<ul style="list-style-type: none"> • <u>Originally</u>: Section 6-4 • Minor editing and formatting.
61	Subsection 9.05. Conversion Chart for Ordinance Nos. 93-07-11 and 00-11-01	<ul style="list-style-type: none"> • <u>Originally</u>: Section 6-5 • Section to be removed.
62	Subsection 9.06. Downtown Architectural Design Standards; OTC & OTR	<ul style="list-style-type: none"> • <u>Originally</u>: Section 6-6 • No changes.
63	Subsection 9.07. Form-Based Code Manual	<ul style="list-style-type: none"> • <u>Originally</u>: Section 6-7 • No changes.
Other Changes		
64	Traffic Impact Analysis	<ul style="list-style-type: none"> • <u>Originally</u>: Article IV, Section 10 • This section removed in its entirety and placed in the Thoroughfare Design Standards